

**STATE OF CONNECTICUT  
BOARD OF EXAMINERS FOR NURSING**

Department of Public Health

Petition No.2003-0211-010-017

vs.

Cyrus Walker, RN, Lic. No.R54641  
Respondent

**MEMORANDUM OF DECISION**

***Procedural Background***

The Board of Examiners for Nursing (hereinafter "the Board") was presented by the Department of Public Health (hereinafter "the Department") with a Statement of Charges dated August 11, 2003. Dept. Exh. 1. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Cyrus Walker (hereinafter "respondent") which would subject respondent's registered nurse license to disciplinary action pursuant to *Conn. Gen. Stat.* §§ 19a-17 and 20-99(b)..

The Board issued a Notice of Hearing dated August 12, 2003, scheduling a hearing for October 1, 2003. Dept. Exh. 1.

Respondent was provided notice of the hearing and charges against him. The Notice of Hearing and Statement of Charges were delivered by certified mail to respondent on August 14, 2003. Dept. Exh. 1.

The hearing took place on October 1, 2003, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

Respondent was present during the hearing but was not represented by counsel. Transcript, pp. 3-4.

Respondent orally answered the Statement of Charges. Transcript, pp. 8-9.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence.

### ***Findings of Fact***

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Respondent was issued registered nurse license number R54641 on September 12, 1997. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 1B-3.
2. On or about November 17, 2003, while working for a nursing pool, respondent was assigned to work as a registered nurse at Jefferson House, Newington, Connecticut. Dept. Exh. 1-2A4, Transcript, p. 8, 13-14.
3. On or about November 17, 2003, respondent committed medication errors when he confused two patients for an entire shift. Respondent administered multiple doses of oxycodone to a patient who was prescribed Dilaudid (Hydromorphone), and administered Dilaudid to a patient who was prescribed oxycodone. Dept. Exh. 1A; Transcript, pp. 8-9, 15-18.

### ***Conclusions of Law and Discussion***

In consideration of the above Findings of Fact, the following conclusions are rendered:

Cyrus Walker held a valid registered nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges provided sufficient legal notice as mandated by *Conn. Gen. Stat.* §§ 4-177(a) and (b), and 4-182(c). The hearing was held in accordance with *Conn. Gen. Stat.* Chapters 54 and 368a as well as §§ 19a-9-1 through 19a-9-29 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, Statement of Charges, and the hearing process provided respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of his license as required by *Conn. Gen. Stat.* § 4-182(c).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

**PARAGRAPH 2** of the Statement of Charges alleges that on approximately November 17, 2003, while working as a pool nurse from Jefferson House as a registered nurse, respondent committed medication errors when confusing two patients at the facility for an entire shift.

**PARAGRAPH 3** of the Statement of Charges alleges that respondent provided multiple doses of oxycodone to a patient who was prescribed Dilaudid, while providing Dilaudid to a patient who should have received the oxycodone.

Respondent admits these charges. Transcript, pp. 8-9

The General Statutes of Connecticut § 20-99 provides in relevant part:

- (a) The Board of Examiners for Nursing shall have jurisdiction to hear all charges of conduct which fails to conform to the accepted standards of the nursing profession brought against persons licensed to practice nursing. After holding a hearing . . . said board, if it finds such person to be guilty, may revoke or suspend his or her license or take any of the actions set forth in section 19a-17. . . .
- (b) Conduct which fails to conform to the accepted standards of the nursing profession includes, but is not limited to, the following . . . (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions . . .

Based on its findings, the Board concludes that respondent's conduct as alleged in Paragraphs 2, and 3 of the Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct constitutes grounds for disciplinary action pursuant to *Conn. Gen. Stat.* §§20-99(b)(2) and 19a-17.

### ***Order***

Pursuant to its authority under *Conn. Gen. Stat.* §§ 19a-17 and 20-99, the Board of Examiners for Nursing hereby orders the following:

1. That for Paragraphs 2 and 3 of the Statement of Charges, respondent's registered nurse license, number R54641, is placed on probation for a period of one (1) year.
2. If any of the following conditions of probation are not met, respondent's registered nurse license may be subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.
  - A. During the period of probation the Board shall pre-approve respondent's employment and/or change of employment within the nursing profession.
  - B. During the period of probation respondent shall not be employed by a nursing pool except for his current employer, "Response", located in Stamford, Connecticut.
  - C. Respondent shall provide a copy of this Memorandum of Decision to any and all employers if employed as a nurse during the probationary period. The Board shall be notified in writing by any employer(s), within thirty (30) days of the commencement of employment, as to receipt of a copy of this Memorandum of Decision.
  - D. If employed as a nurse, respondent shall cause quarterly employer reports to be submitted to the Board by his immediate supervisor during the entire probationary period.

- E. The employer reports cited in Paragraph D above shall include documentation of respondent's ability to safely and competently practice nursing. Employer reports shall be submitted directly to the Board at the address cited in Paragraph L below.
- F. Should respondent's employment as a nurse be involuntarily terminated, respondent and/or her employer shall notify the Board, within seventy-two (72) hours, of such termination.
- G. If respondent pursues further training in any subject area that is regulated by the Department, respondent shall provide a copy of this Memorandum of Decision to the educational institution or, if not an institution, to respondent's instructor. Such institution or instructor shall notify the Department in writing as to receipt of a copy of this Memorandum of Decision within fifteen (15) days of receipt. Said notification shall be submitted directly to the Department at the address cited in Paragraph L below.
- H. During the first three months of the probationary period, respondent shall complete a course of study in medication administration. The course shall be at least ten (10) hours in length and shall consist of theory and clinical observation.
- I. Certification of successful completion of the course cited in Paragraph H shall be submitted to the Board, at the address cited in Paragraph L below, directly from the educational institution where said program was taken, within thirty (30) days of the program's completion.
- J. The Board must be informed in writing prior to any change of employment
- K. The Board must be informed in writing prior to any change of address.
- L. All correspondence and reports are to be addressed to:

**Bonnie Pinkerton, RN, Nurse Consultant**  
**Department of Public Health**  
**Division of Health Systems Regulation**  
**Board of Examiners For Nursing**  
 410 Capitol Avenue, MS #12HSR  
 P. O. Box 340308  
 Hartford CT 06134-0308

- 3. Any deviation from the terms of probation, without prior written approval by the Board, shall constitute a violation of probation which will be cause for an immediate hearing on charges of violating this Order. Any finding that respondent has violated this Order will subject respondent to sanctions under §19a-17(a) and (c) of the General Statutes of

Connecticut, including but not limited to, the revocation of her license. Any extension of time or grace period for reporting granted by the Board shall not be a waiver or preclude the Board's right to take subsequent action. The Board shall not be required to grant future extensions of time or grace periods. Notice of revocation or other disciplinary action shall be sent to respondent's address of record (most current address reported to the Office of Practitioner Licensing and Certification of the Department of Public Health or the Board).

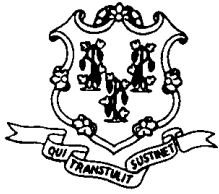
4. This Memorandum of Decision becomes effective, and the one year probation of registered nurse license R54641, shall commence, on April 15, 2004.

The Board of Examiners for Nursing hereby informs respondent, Cyrus Walker, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Newington, Connecticut this 7th day of April 2004.

BOARD OF EXAMINERS FOR NURSING

By 



# STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

May 13, 2005

Cyrus Walker, RN  
16 Wolcott Green  
South Windsor, CT 06074

Re: Memorandum of Decision  
Petition No. 2003-0211-010-017  
License No. R54641

Dear Mr. Walker:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective April 15, 2005.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from your license related to the above-referenced Memorandum of Decision.

Please be certain to retain this letter as documented proof that you have completed your license probation.

Thank you for your cooperation during this process.

Very truly yours,

Bonnie Pinkerton, RN, Nurse Consultant  
Division of Health Systems Regulation

cc: J. Filippone  
J. Wojick



Phone: (860) 509-7400  
Telephone Device for the Deaf (860) 509-7191  
410 Capitol Avenue - MS # 12HSR  
P.O. Box 340308 Hartford, CT 06134  
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